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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JULIE FILAMORE-ANGEL,

Plaintiff,

v.

PROVIDENCE HEALTH & SERVICES-  
OREGON d.b.a. Providence St. Vincent  
Medical Center,

Defendant.

Civ. No.

COMPLAINT

(Whistleblowing—ORS 659A.199; ORS  
659A.030(1)(f))

JURY TRIAL DEMANDED

Ms. Julie Filamore-Angel:

**NATURE OF THE ACTION**

1. This is an action for damages under, this is an action pursuant to the court's diversity of citizenship jurisdiction for violations of ORS 659A.199 and ORS659A.030(1)(f).

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### **JURISDICTION AND VENUE**

2. The court has diversity jurisdiction under 28 U.S.C. § 1332.
3. The actions alleged were committed in the District of Oregon and venue is proper under 28 U.S.C. § 1391

### **PARTIES**

4. Plaintiff, Julie Filamore-Angel, is a citizen of the United States and the State of Washington.
5. Defendant Providence Health & Services-Oregon d.b.a. Providence St. Vincent Medical Center, is an Oregon non-profit corporation which is authorized to conduct business in Oregon, and does conduct business in Oregon.
6. All actions taken by the corporate defendant were taken through authorized agents or representatives.

### **PROCEDURAL REQUIREMENTS**

7. Ms. Filamore-Angel filed a complaint with the Oregon Bureau of Labor and Industries (BOLI) that contained the whistleblowing claims of which Ms. Filamore-Angel now complains.
8. Ms. Filamore-Angel received a Notice of Private Right of Action from BOLI authorizing her to commence a civil action regarding the claims presented to BOLI. Ms. Filamore-Angel has filed the claims presented to BOLI in this complaint within the time allowed in the notice authorizing her to bring this action.

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### **STATEMENT OF KEY FACTS**

9. Plaintiff worked for defendant and was entitled to protection under ORS 659A.199 and ORS 659A.030(1)(f). Plaintiff always performed her job duties for defendant in a satisfactory manner.

10. Defendant employed plaintiff and was subject to the ORS 659A.199 and ORS 659A.030(1)(f).

11. While employed with defendant, Ms. Filamore-Angel, in January 2013 participated in a BOLI investigation involving defendant and another individual employed with defendant.

12. Subsequent to Ms. Filamore-Angel participating in the BOLI investigation, defendant subjected Ms. Filamore-Angel to adverse employment action including, but not limited to, excessive discipline, mis-coding of protected leave, alteration of time records and false reports to the Oregon State Board of Nursing.

13. The conduct directed towards Ms. Filamore-Angel was intended to force her to resign her employment with defendant and/or defendant should have known would lead a reasonable person to resign from employment with defendant.

### **FIRST CLAIM FOR RELIEF**

(ORS 659A.199)

14. Ms. Filamore-Angel incorporates the allegations in paragraphs 1 through 13.

15. Defendant discriminated against Ms. Filamore-Angel due to her participation in the civil rights complaint of a co-worker

16. Defendant, directly and through its agents, treated Ms. Filamore-Angel in a disparate, discriminating and harassing manner because of her participation in the BOLI investigation.

17. Defendants' actions constituted unlawful employment practices violating ORS 659A.199.

18. Defendant's employment practices as alleged deprived Ms. Filamore-Angel of equal employment opportunities and otherwise adversely affected her status as an employee. As a result, Ms. Filamore-Angel suffered lost wages and benefits of employment, as well as other economic damages, in an amount to be proved at trial.

19. Ms. Filamore-Angel is entitled to recover from defendant for her general, noneconomic damages in an amount to be determined at trial.

20. Defendant's acts were part of a pattern and practice of discrimination against disabled persons. The court should enter a permanent injunction prohibiting such conduct in the future.

21. Ms. Filamore-Angel is entitled to recover her reasonable attorney fees, expert witness expenses and litigation costs.

## **SECOND CLAIM FOR RELIEF**

(ORS 659A.030(1)(f))

22. Ms. Filamore-Angel incorporates by reference the allegations in paragraphs 14 through 21.

23. Defendant's actions violated ORS 659A.030(1)(f).

24. Ms. Filamore-Angel is entitled to recover the damages alleged in paragraphs 18 and 19 and the injunction alleged in paragraph 20.

25. Ms. Filamore-Angel is entitled to recover her reasonable attorney fees, expert witness expenses and litigation costs

**WHEREFORE**, Ms. Filamore-Angel demands trial by jury and requests this court to grant the following relief:

1. Grant her an award of lost wages, benefits and other economic damages against defendant in an amount to be determined at trial.
2. Grant her an award of compensatory damages for emotional distress in an amount to be determined at trial.
3. Grant her declaratory and injunctive relief precluding defendant from subjecting her, or other similarly situated employees, to unlawful employment practices in the future;
4. An award of pre-judgment and post-judgment interest on all amounts due to Ms. Filamore-Angel as a result of this action.
5. An award of costs, reasonable attorney fees and expert witness fees.
6. Order such further or alternative relief in favor of plaintiff as the court deems just, equitable and appropriate.

Dated: August 8, 2014.

SMITH & FJELSTAD  
By: /s/ Kerry M. L. Smith  
Kerry M. L. Smith  
OSB NO. 881033  
Of Attorneys for Plaintiff

**JURY TRIAL DEMANDED**

Ms. Filamore-Angel demands a jury trial on all questions of fact or combined questions of law and fact raised in this Complaint.

Dated: August 8, 2014.

SMITH & FJELSTAD  
By: /s/ Kerry M. L. Smith  
Kerry M. L. Smith  
OSB NO. 881033  
Of Attorneys for Plaintiff